

FEB 15 2012

Federal Communications Commission
Office of the Secretary

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re

**MARITIME COMMUNICATIONS/LAND
MOBILE, LLC**

Participant in Auction No. 61 and Licensee of
Various Authorizations in the Wireless Radio
Services

Applicant for Modification of Various
Authorizations in the Wireless Radio Services

Applicant with **ENCANA OIL AND GAS (USA),
INC.; DUQUESNE LIGHT COMPANY; DCP
MIDSTREAM, LP; JACKSON COUNTY
RURAL MEMBERSHIP ELECTRIC
COOPERATIVE; PUGET SOUND ENERGY,
INC.; ENBRIDGE ENERGY COMPANY,
INC.; INTERSTATE POWER AND LIGHT
COMPANY; WISCONSIN POWER AND
LIGHT COMPANY; DIXIE ELECTRIC
MEMBERSHIP CORPORATION, INC.;
ATLAS PIPELINE – MID CONTINENT, LLC;
DENTON COUNTY ELECTRIC
COOPERATIVE, INC., DBA COSERV
ELECTRIC; AND SOUTHERN CALIFORNIA
REGIONAL RAIL AUTHORITY**

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Application File Nos. 0004030479,
0004144435, 0004193028, 0004193328,
0004354053, 0004309872, 0004310060,
0004314903, 0004315013, 0004430505,
0004417199, 0004419431, 0004422320,
0004422329, 0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S
LIMITED COMMENTS ON MARITIME'S STATUS REPORT ON DISCOVERY**

1. By Order, FCC 12M-7 (ALJ, rel. Jan. 27, 2012), the Presiding Judge directed Maritime to respond fully and completely by February 6, 2012, to the "Joint Request for the Production of Documents to Maritime Relating to the Construction and Discontinuance of Site-

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Based Operations” filed by the Enforcement Bureau (Bureau) and SkyTel¹ on December 7, 2011. On February 6, 2012, the day it was required to produce the subject documents, Maritime filed a status report on its discovery efforts in which it proposed a process for producing its twelve (12) boxes of documents.² The parties then filed multiple pleadings concerning the most efficient manner of producing these documents.³

2. On February 13, 2012, Maritime filed a second status report in which it confirmed that the electronic scanning of its 12 boxes of documents is complete and that the documents can easily be burned onto a CD and/or numbered.⁴ The Bureau maintains that Maritime should number these electronically-scanned documents (as it has previously informed the Presiding Judge that it would),⁵ because this remains the most effective way to ensure that all parties have an *identical copy* of Maritime’s documents to which they can refer during this proceeding.⁶ However, if Maritime is not ordered to number its electronically-scanned documents and provide them to the Bureau in electronic format, it should, at the very least, be directed to provide unnumbered documents to the Bureau in electronic format. In this regard, it makes no sense for Maritime to produce to the Bureau the 12 boxes of original documents now that the documents are in an electronic format that can be easily burned to a CD from which the Bureau can make its

¹ “SkyTel” refers to Warren Havens, V2G, LLC, Telesaurus Holdings GB, Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation.

² See Maritime’s Status Report on Discovery and Request for Partial Extension of Time, filed February 6, 2012. Maritime also requested an extension of time to complete this production.

³ See Enforcement Bureau’s Comments On Maritime’s Status Report On Discovery And Request For Partial Extension Of Time, filed on February 8, 2012 (Comments); Maritime’s Opposition to Petition for Reconsideration, filed on February 9, 2012 (Opposition); Enforcement Bureau’s Response To Maritime’s Unauthorized Pleading, filed February 9, 2012 (Response); and Maritime’s Reply, filed February 10, 2012.

⁴ Maritime’s Status Report on Discovery, filed February 13, 2012, at 2.

⁵ See Opposition at 2.


⁶ See, e.g., Response at 3.

own copies at its own expense. As the Bureau has explained previously, for the Bureau to disassemble a dozen boxes of records and scan each document will not only impose upon it an additional and unnecessary cost, but the time it would take to engage in this process will delay even further the availability of these documents to the Bureau.

3. For the foregoing reasons, and for those addressed in the Bureau's Comments and its Response, the Bureau respectfully requests that the Presiding Judge issue an order compelling Maritime to hand-deliver to the Bureau, no later than 12:00 noon on Friday, February 17, 2012, a copy of the CD of its documents, from which the Bureau can expeditiously make its own copies.

Respectfully submitted,

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February 15, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 15th day of February, 2012, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S LIMITED COMMENTS ON MARITIME'S STATUS REPORT ON DISCOVERY" to:

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